## REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1-19 are pending in this application. Claims 1-4, 7, 9, 10-12, 15, 18, and 19 have been amended. Independent Claims 1, 10, 18, and 19 have been amended to emphasize that the selecting of identification data allocated with and stored with the corresponding image data is done prior to starting the operation that produces the corresponding image data as set forth in the specification at page 14, line 23 to page 15, line 2, for example. Dependent Claims 2-4, 7, 9, 11, 12, and 15 have been amended to be compatible with the changes made to these independent claims. Accordingly, no new matter has been added.

The outstanding Office Action presents a rejection of Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over <u>Kato</u> (U.S. Patent No. 6,141,111) and <u>Nagashima</u> (U.S. Patent No. 6,438,574).

Turning to the asserted combination of <u>Kato</u> and <u>Nagashima</u>, it is respectfully submitted that these references do not alone or together teach or suggest all the features of amended independent Claims 1, 10, 18, and 19. Accordingly, withdrawal of the rejection of independent Claims 1, 10, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over <u>Kato</u> and <u>Nagashima</u> is respectfully requested.

In his regard, Claim 1 has been amended to recite a data transmission apparatus in a data processing device that includes "a user management unit configured to allocate the selected user identification data to the corresponding image data and store the selected user identification data allocated to the corresponding image data along with the corresponding image data in a storage device each time the corresponding image data is captured," and to specifically require that "the user identification data is selected by the identification selection

unit before the capture of the corresponding image data by the data processing device is started."

Independent method Claim 10 has been amended to have step features similar to the features recite by Claim 1 in terms of requiring "starting capture of the corresponding image data by the data processing device after the step of selecting the user identification data" along with the recital of "allocating the user identification data selected in the step of selecting the user identification data to the corresponding image data each time the corresponding image data is captured.

Independent Claims 18 and 19 both require the selecting of an operator ID for an operator who uses the scanner to read the image, and at least one of owner IDs for owners who are authorized to access the image data "prior to starting the scanner operation" and that there is a storing of the image data generated by scanning together with the operator ID and the owner ID corresponding to the image data that is selected.

Kato does not teach or suggest that the relied upon (at the bottom of page 4 of the outstanding Action) Fig. 5 steps S4-S7 described at col. 6, lines 17-46, have any thing to do with the subject matter of independent Claims 1 and 10 requiring allocating of the user identification data to the image data and storage of the user identification data allocated to the image data (or similar storing of "the operator ID and the owner ID corresponding to the image data" in Claims 18 and 19) prior to starting an image collection or generation operation.

Instead, Fig. 5 of Kato teaches that a desired subject is first taken by the digital still camera 11 (STEP S1) and the obtained image data are transferred to the image printer via a serial cross cable or a PC card memory (the communication interface 15, 9) (STEP S2). The image printer 26 produces the extra-copy designation sheet 100 based on this transferred data or data stored in the management data portion 62 (STEP S3). Then, the user (operator) enters

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a user ID No., the required extra-copy check mark and the number of extra copies onto the

produced and output extra-copy designation sheet 100 (STEP S4) and inputs this extra-copy

designation sheet into the image printer 26 again (STEP S5). When the extra-copy

designation sheet 100 is thus input, the image printer 26 recognizes the entered data on the

sheet, that is, the contents of the user ID input portion 101, the bin output selection portion

104, the E-mail delivery selection portion 105, the image index portion 102 and the extra-

copy check portion 103 (STEP S6) and stores the recognition results in the extra-copy

designation sheet recognition result data portion 58 (STEP S7). Clearly, there is no teaching

of setting any ID information before stating any scanning or image collecting operation as all

the independent Claims 1, 10, 18, and 19require.

Thus, the Kato user ID No. that is stored is not taught or suggested to be selected by

anything prior to starting image scanning or collecting, much less the independent Claim 1

user identification selection unit that must select both "an operator ID for using the data

processing device and owner IDs for giving authorization to access image data." This Kato

user ID No. is also not taught or suggested to be allocated by the independent Claim 1 "user

management unit" that must "allocate the selected user identification data to the

corresponding image data and store the selected user identification data allocated to the

corresponding image data along with the corresponding image data in a storage device each

time the corresponding image data is captured."

Kato further does not teach or suggest the Claim 18 required "user identification

selecting unit configured to set select an operator ID for an operator who uses said scanner to

read the image, and at least one of owner IDs for owners who are authorized to access the

image data stored in said storage device prior to the scanner being enabled to perform the

scanning operation," or the required "storage device" that "stores the operator ID and the

owner ID corresponding to the image data generated by the scanner along with the image data generated by the scanner."

Also, Kato has no teaching or suggestion of the independent Claim 10 required "allocating the user identification data selected in the step of selecting the user identification data to the corresponding image data each time the corresponding image data is captured" or the further required "storing the user identification data allocated to the image data in a storage device" or the independent Claim 19 required "selecting an operator ID for an operator who uses the scanner to read the image, and at least one of owner IDs for owners who are authorized to access the image data prior to starting the scanner operation" and the further required "storing the image data generated by said generating step together with the operator ID and the owner ID corresponding to the image data."

Moreover, Nagashima at best teaches including password data or an ID card to activate an operation in relied upon Figs. 6-11. However, even if the device of Nagashima has stored a password or ID code to compare to the one entered as in steps S1, S12, S24, S42, S54, and S65, this is not cure the deficiencies noted above as to Kato. For example, Nagashima does not teach or suggest that the password or ID information taught therein in any way should include the Claim 1 "an operator ID for using the data processing device and owner IDs for giving authorization to access image data" or the similar ID required by independent Claims 10, 18, and 19. Also, it is clear, for example, whatever "password" or ID information might be stored, Nagashima does not teach or suggest that the storing of this kind of user information data (operator ID for using the data processing device and owner IDs for giving authorization to access image data) that has been allocated to image data in a storage device, much less not starting scanning or image collecting operations until after first selecting user-owner ID information.

Accordingly, it is respectfully submitted that the rejection of independent Claims 1, 10, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over <u>Kato</u> and <u>Nagashima</u> is improper and should be withdrawn.

Claims 2-9 depend either directly or indirectly on independent Claim 1 while Claims 11-17 depend either directly or indirectly on independent Claim 10. Consequently, the rejection of Claims 2-9 under 35 U.S.C. §103(a) as being unpatentable over <u>Kato</u> and <u>Nagashima</u> is improper and should be withdrawn for at least the reasons noted above as to independent Claim 1. Moreover, the rejection of Claims 11-17 under 35 U.S.C. §103(a) as being unpatentable over <u>Kato</u> and <u>Nagashima</u> is improper and should be withdrawn for at least the reasons noted above as to independent Claim 10.

Furthermore, as the features added by these dependent claims are also not taught or suggested by the applied references, dependent Claims 2-9 and 11-17 are respectfully submitted to further patentably define over these references considered alone or together in any proper combination for this reason as well.

Moreover, the rejection as applied to Claims 7 and 15 again attempts to improperly substitute unsupported assertions for evidence. Applicants challenge the assertions that the claimed "touchpad/input history, etc." is well known in the art," that 2-6 and 11-14 merely "deal with various choosing among user ID data," or that there is any evidence presented by the PTO that "such choosings are well known in the art for the motivation of easier accommodation of multiple users." Furthermore, no evidence has been presented that deals with the subject matter of Claims 8, 9, 16, and 17, and there is no evidence cited to support the mere conclusion that "such data consistency is well known in the art for the motivation of preventing data corruption. Note again *In re Zurko*, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) ("With respect to core factual findings in a determination of patentability, however, the [PTO] . . . must point to some concrete evidence in the record in
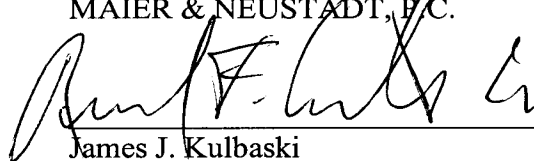
support of these findings.") Further note <u>In re Lee</u>, 277 F.3d 1338, 1345, 61 USPQ2d 1430,

1435 (Fed. Cir. 2002) has emphasized the need for the PTO to provide evidence, not mere

unsupported opinion, as follows:

> In finding relevant facts, in assessing the significance of the prior art, and in making the ultimate determination of the issue of obviousness, the examiner and the Board are presumed to act from this viewpoint [that of the person of ordinary skill in the art to which the subject matter pertains]. Thus when they rely on what they assert to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. The failure to do so is not consistent with either effective administration procedure or effective judicial review.

Accordingly, it is respectfully submitted that no further issues remain outstanding in

the present application, and that this application is clearly in condition for formal allowance

and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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